

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Services And Speech-to-)	)	Docket 98-67
Speech Services for Individuals with Hearing and	)	Docket 03-123
Speech Disabilities	)	

To: The Commission

***ANNUAL REPORT ON PROGRESS OF MEETING WAIVED REQUIREMENTS***

Hands On Video Relay Service, Inc. (“Hands On”), by its counsel, provides its annual report on progress toward meeting certain telecommunications relay service (“TRS”) requirements which are waived for video relay service (“VRS”).

*Speed of Answer.*

Currently the requirement that calls be answered within ten seconds, 85 percent of the time, is waived. Hands On is pleased to advise the Commission that current technology would allow it to meet an answer time standard of 85 percent of calls answered within 20 seconds. Meeting an answer time standard of less than 20 seconds presents a technical problem due to the several seconds necessary for the incoming call to handshake with the HOVRS video interpreter’s computer station. It is for that reason that Hands On believes an appropriate answer speed for VRS is 20 seconds and that the Commission should adopt such a standard forthwith while providing six months for VRS providers to meet this standard.

However, meeting that 20 second standard is dependent on having a sufficient number of video interpreters available to handle call volume. That is not possible at this writing, because the current VRS reimbursement rate prohibits Hands On and other VRS providers from staffing sufficiently to meet call volume.

Since call volume is a relatively random occurrence, call volume cannot be predicted with a high degree of certainty. To maintain an adequate answer time, VRS providers must employ a sufficient number of interpreters. Due to the current extremely low VRS rate, however, an adequate number of interpreters cannot now be employed. Because of this fact, HOVRS's actual average answer speed has consistently been above one minute since the Commission lowered the VRS rate on 12 hours' notice effective July 1, 2003. Unless the Commission raises the VRS rate to a sufficient level to allow hiring the necessary number of interpreters, an improved answer speed cannot be achieved.

*Emergency Call Handling.*

Hands On can respond to a VRS caller's request to connect to an emergency agency, but location information must be provided real time by the customer to the video interpreter. Although Hands On may be able to capture the IP address of a VRS caller's computer, that address is subject to manipulation; moreover, Hands On does not have access to the specific location where that computer may be in use. Additionally, even if it had a specific street address tied to the IP address, Hands On cannot automatically route an emergency call to the appropriate public safety answering point. Research and development are necessary to create a mechanism to provide specific location information and integrate that information with public safety answering point data. Accordingly, automatic routing of emergency calls is not yet possible due to the research and development efforts required.

Hands On has been unable to conduct the needed research and development efforts for two reasons. First, sufficient funds are not available to conduct such research and development efforts due to the inadequate level of the VRS rate. Second, Commission staff have indicated that at least a

question exists whether research and development efforts should even be a component of the VRS. Accordingly, Hands On has been reluctant to commit to expenditures for which it would not be compensated and for which in any event it lacks sufficient funds.

*Operator assisted calls; billing for long distance calls.*

Pursuant to existing waiver, VRS providers are not required to handle operator assisted calls and are not required to bill certain types of long distance calls to the end user.<sup>1</sup> *See VRS Waiver Order*, 17 FCC Rcd at 161. Hands On currently completes long distance calls at no charge to the VRS user. Moreover, incoming calls to be routed to deaf or hard of hearing persons over the Internet come to Hands On via an 800 number at no charge to the calling party. By the very nature of VRS, it is difficult for Hands On to know whether a call coming to it is local, even if IP address data are available.

Hands On completes calls via the most affordable method where appropriate. Hands On also handles 411 information calls for its customers at no charge to them. Therefore, deaf and hard of hearing persons receive service comparable to the switched telephone network. Requiring VRS providers such as Hands On to handle all operator assisted calls and to bill long distance calls to its deaf or hard of hearing users is problematic. HOVRS does not have the billing mechanism for these calls. Nor pursuant to the existing VRS rate, does HOVRS have the resources to devote to development of the billing mechanism. Completion of operator assisted calls and billing for long

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<sup>1</sup> FCC Rule Section 64.604(a)(3) requires TRS providers to complete all types of calls.

distance calls is technically possible, but only through credit card billing, and as the Commission has acknowledged, using calling cards is not a viable alternative. *VRS Waiver Order*, 17 FCC Rcd at 161. Moreover, at present the HOVRS platform is not set up to accept credit card billing. To do so would again require software modifications which would tax an already overextended engineering staff.

*Equal access to interexchange carriers.* Waiver of the equal access to interexchange carrier requirement has been granted for several reasons. First, since the deaf to VI portion of a VRS call is carried over the Internet, the VRS provider does not necessarily know the interexchange carrier of choice of the consumer since the consumer's identity may not in fact be known.<sup>2</sup> Second, choice of carrier is not critical in the VRS context since the deaf or hard of hearing consumer is not paying for call completion. Third, with VRS still in its infancy, requiring VRS providers to route calls over a host of different interexchange carriers would serve to unnecessarily increase the costs of providing VRS service even if it were possible to charge actual long distance costs to the deaf or hard of hearing customers. Fourth, because a VRS provider may be located in another state from the deaf or hard of hearing consumer, what may be a local call for the deaf or hard of hearing person is likely to be a toll call for the VRS provider. Thus, the Commission concluded that implementing carrier of

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<sup>2</sup> There is no requirement for registration of VRS customers and any such requirement would raise privacy concerns.

choice for VRS is likely to lead to confusion, increased complaints and unnecessary costs, without serving any appreciable public interest objective.

From a technical standpoint, if an IP address can be tied to an exchange area, part of the problem of locating the deaf or hard of hearing person is solvable. However, this still leaves each of the other issues addressed above, which are not readily solvable. The principal technical and practical issue is that VRS service is not a local service. There are only a handful of VRS providers and VRS call centers. Thus, cost considerations strongly favor continuation of the choice of carrier waiver. Relatedly is the fact that most VRS calls are interstate in routing, even if they are local in origin. For example, Hands On currently operates one call center, in Rocklin, CA. Were a deaf or hard of hearing person in Arlington, Virginia to make a call to Washington, DC, over Hands On's network, that call would be routed over the Internet from Arlington to Rocklin, and then completed as an interexchange call from Rocklin to Washington, even though the call would be a local call if placed by a hearing person over the public switched telephone network. Likewise, were the Arlington caller to place a call to Roseville, CA, via Hands On's VRS service, that call would transmit over the Internet to Rocklin and would be completed as a local call to Roseville. Thus the very nature of the Internet transmission of the call raises issues concerning the appropriate means of billing. These require Commission policy decisions prior to any technological solution.

*900 number services.* The *VRS Waiver Order* waived the requirement for handling pay-per-call services, *see* FCC Rule Section 64.604(b)(6), due to the expected low demand for these types of calls and the burden this requirement would impose on startup VRS providers. *VRS Waiver Order*, 17 FCC Rcd at 164. That waiver was recently extended to IP Relay providers at the request of Sprint. Sprint sought waiver on the ground that 900 service providers require the ANI of the calling

party. The ANI obviously cannot be provided in an IP Relay context for the same reason it cannot be provided for emergency call handling.

Hands On has made no progress in resolving this issue. Again, this is an issue, resolution of which, requires research and development efforts that are not possible even to begin at the low rate paid for VRS service. And should the Commission accept the view some of its staff seem to have taken that research and development should not be a rate element, then no progress is possible on solving this matter.

*Conclusion.*

Resolution of the issues which resulted in each of the TRS rule waivers discussed above lie principally in adequate funding of the VRS service. Without an adequate VRS rate, no meaningful progress can be made on these matters. To Hands On's knowledge no progress is being made by any provider under the current rate.

Respectfully submitted,

**HANDS ON VIDEO RELAY SERVICES, INC.**

By \_\_\_\_\_/s/\_\_\_\_\_  
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